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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LEON MICHAEL KORNEGAY,

Plaintiff,

-against-

09-cv-4066  
(SJF)(ETB)

**OPINION & ORDER**

NEW YORK STATE OFFICE OF MENTAL HEALTH,  
ACCESS PROGRAM, ANY SUPERVISORY PERSONNEL  
NEW YORK STATE OFFICE OF MENTAL HEALTH,  
CHRISTINE A. ANTENORE (SOCIAL WORKER THE  
STATE OF NEW YORK), CHRISTINE A. ANTENORE  
(ELMIRA CORRECTIONAL FACILITY), ANY  
SUPERVISORY PERSONNEL ACCESS PROGRAM, ANY  
SUPERVISORY PERSONNEL AUBURN  
CORRECTIONAL FACILITY, ANY SUPERVISORY  
PERSONNEL CAMERA UNIT OF THE SUFFOLK  
COUNTY DIVISION OF COMMUNITY MENTAL  
HYGIENE SERVICES, ANY SUPERVISORY  
PERSONNEL CENTRAL NEW YORK PSYCHIATRIC  
CENTER, ANY SUPERVISORY PERSONNEL COUNTY  
OF SUFFOLK DEPARTMENT OF LAW, ANY  
SUPERVISORY PERSONNEL DEPARTMENT OF  
PSYCHIATRY UNIVERSITY HOSPITAL AT STONY  
BROOK, ANY SUPERVISORY PERSONNEL  
DOWNSTATE CORRECTIONAL FACILITY, ANY  
SUPERVISORY PERSONNEL DOWNSTATE  
SATELLITE UNIT, ANY SUPERVISORY PERSONNEL  
ELMIRA CORRECTIONAL FACILITY, ANY  
SUPERVISORY PERSONNEL MENTAL HYGIENE  
LEGAL SERVICE, ANY SUPERVISORY PERSONNEL  
NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES, ANY SUPERVISORY  
PERSONNEL PILGRIM PSYCHIATRIC CENTER, ANY  
SUPERVISORY PERSONNEL ROCHESTER  
PSYCHIATRIC HOSPITAL UNIVERSITY OF  
ROCHESTER MEDICAL CENTER, ANY  
SUPERVISORY PERSONNEL SATELLITE UNIT

AUBURN CORRECTIONAL FACILITY, ANY  
SUPERVISORY PERSONNEL SATELLITE UNIT  
ELMIRA CORRECTIONAL FACILITY, ANY  
SUPERVISORY PERSONNEL STONY BROOK  
UNIVERSITY HOSPITAL, ANY SUPERVISORY  
PERSONNEL SUFFOLK COUNTY CORRECTIONAL  
FACILITY, ANY SUPERVISORY PERSONNEL  
SUFFOLK COUNTY COURT COHALAN  
COURT COMPLEX, ANY SUPERVISORY PERSONNEL  
SUPREME COURT STATE OF NEW YORK CAYUGA  
COUNTY, ANY SUPERVISORY PERSONNEL THE  
STATE OF NEW YORK, ANY SUPERVISORY  
PERSONNEL THE STATE OF NEW YORK MENTAL  
HYGIENE LEGAL SERVICES SECOND JUDICIAL  
DEPARTMENT TENTH DISTRICT OFFICE, ANY  
SUPERVISORY PERSONNEL THE SUFFOLK  
DEPARTMENT OF HEALTH SERVICES JAIL  
MEDICAL SERVICES-MEDICAL UNIT SUFFOLK  
COUNTY CORRECTIONAL FACILITY, JUNE K.  
ATHERTON, AUBURN CORRECTIONAL FACILITY,  
JAMES BARRETT, N.A.I., JOSEPH BELLNIER, DAVID  
BLAIR L.C.S.W., SANDRA J. BRANDT, R.N. II,  
M. BROWN, MORALES BROWN, BURGE, CAMERA  
UNIT OF SUFFOLK COUNTY DIVISION OF  
COMMUNITY MENTAL HYGIENE SERVICES,  
CONSTANCE A. CARDINAL, R.N., SHARON  
CARPINELLO, RN, PHD, CENTRAL NEW YORK  
PSYCHIATRIC CENTER NEW YORK STATE OFFICE  
OF MENTAL HEALTH, SOUMITRA CHATTERJEE,  
M.D., CHIEF MEDICAL OFFICE THE STATE OF NEW  
YORK DEPARTMENT OF CORRECTIONAL  
SERVICES, CHU, J. RICHARD CICCONE, M.D., H.  
COLLETT, RHSA, PETER E. CORNING, THOMAS F.  
COSTELLO NAI, COUNTY OF SUFFOLK  
DEPARTMENT OF LAW, ANN MARIE CSORNY,  
L.C.S.W., PAUL DAUGHERTY, R.N. NP, PENNY FIELD  
DEBRE, R.N., LESLEY M. DELIA, DEPUTY  
COMMISSIONER THE STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES,  
DOWNSTATE CORRECTIONAL FACILITY,  
DOWNSTATE CORRECTIONAL FACILITY  
SUPERINTENDENT, DOWNSTATE SATELLITE UNIT,  
ROBIN EBERHARD, R.N., ELMIRA CORRECTIONAL

FACILITY, ELMIRA MENTAL HEALTH UNIT ELMIRA  
CORRECTIONAL FACILITY, MARGRET FRABONI,  
MA, HAROLD D. GRAHAM, SUSAN A.  
HAUPTFLCISCH, N.P., PAUL M. HENSLY, JUNE  
HIGGINS, R.N., N.P., SIDNEY HIRSCHFELD,  
MOHAMMAD IQ, BAL, MD, MPH, MSPH,  
PSYCHIATRIST I, NORMAN JAEGER, JOSHUA  
JONES, M.D., DANIEL JORDAN, R.N. II, THOMAS  
JYOTHI, M.D., PRABHAKAR KALE, MARSHA  
TANENBERG KARANT, M.D., KATRINA KEMMERY,  
AMY R. KLEIN, M.D., APRIL J. LAFONTAINE R.N. II,  
KATE LAMONTHE, ESQ., WILLIAM LICURSE,  
THOMAS O. MACGILVRY, LCSW,  
CHRISTINE MALAFI, ALAN N. MEISEL, MENTAL  
HYGIENE LEGAL SERVICE, BRIAN MULHOLLAND,  
NEW YORK STATE OFFICE OF MENTAL HEALTH,  
NURSE ADMINISTRATOR ELMIRA CORRECTIONAL  
FACILITY, O.M.H. UNIT CHIEF ELMIRA  
CORRECTIONAL FACILITY, PACKARD, WAYNE C.  
PARTON, ESQ., PILGRIM PSYCHIATRIC CENTER,  
GEORGE PRIBULICK, STEPHEN PRICE, KATHLEEN  
PUCHER, R.N., ROCHESTER PSYCHIATRIC  
HOSPITAL UNIVERSITY OF ROCHESTER MEDICAL  
CENTER, ROSENBERG, PETER RUSSELL, SATELLITE  
UNIT AUBURN CORRECTIONAL FACILITY, T.  
SALZILLO, SATELLITE UNIT ELMIRA  
CORRECTIONAL FACILITY, V. SATTI, DONALD  
SAWYER, PHD, SUSAN SHILLING, BARBARA  
SHIPMAN, R.N. II, PATRICIA SIMON-PHELAN, R. P.  
SINGH, M.D., H. E. SMITH, D. SOOD, MARK  
STAWASZ, LINDA STEPHENS, R.N., STONY BROOK  
UNIVERSITY HOSPITAL, SUFFOLK COUNTY  
CORRECTIONAL FACILITY, SUFFOLK COUNTY  
COURT COHALAN COURT COMPLEX, MARILYN  
SULLIVAN, SUPREME COURT STATE OF NEW YORK  
CAYUGA COUNTY, THE STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES, THE  
STATE OF NEW YORK MENTAL HYGIENE LEGAL  
SERVICE SECOND JUDICIAL DEPARTMENT TENTH  
DISTRICT OFFICE, THE SUFFOLK DEPARTMENT OF  
HEALTH SERVICES JAIL MEDICAL  
SERVICES-MEDICAL UNIT SUFFOLK COUNTY  
CORRECTIONAL FACILITY, HELENE TOMBERELLI,

UNIVERSITY HOSPITAL AT STONY BROOK  
DEPARTMENT OF PSYCHIATRY, JOEL  
VERSTAENDIG, PHD, PAMELA WEINBERG, M.D.C.,  
DEAN R. WEINSTOCK, R.N., MPA, NANCY WHITTEN,  
LAURIE J. WILLIAMSON, R.N. II, PAUL WINGARD,  
LESTER N. WRIGHT, MD, MPH, PAMELA ZURAWIK,

Defendants.

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FEUERSTEIN, J.

On September 25, 2009, *pro se, in forma pauperis*, Leon Kornegay (“Plaintiff”), a frequent filer in this Court, filed the instant action against the (123) one-hundred twenty-three above-captioned defendants alleging violations of 42 U.S.C. § 1983.<sup>1</sup> On November 23, 2009, this Court dismissed Plaintiff’s complaint for failure to comply with Rule 8 of the Federal Rules of Civil Procedure, and gave Plaintiff leave to amend. On December 15, 2009, Plaintiff filed a nearly (90) ninety page Amended Complaint seemingly against the same one-hundred twenty-three (123) defendants as named in his original Complaint. The Amended Complaint again charges the defendants with “carelessly, deceitfully, despicably, egregiously, intentionally, knowingly, mischievously, maliciously, and sadistically, negatively, negligently, purposely, substantively, unethically, unequally, willingly, wrongfully, recklessly, aided and abetted in their individual capacity . . .” (Amended Compl. ¶ IV.) The Amended Complaint continues “unneccessarily introvenously [sic] injected me with proscribed psychotropic medication adding ‘insult to injury.’” (Amended Compl. ¶ IV.) Plaintiff again seeks a “permanent order of protection for me and my family, domestic diplomatic immunity, foreign diplomatic immunity,

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<sup>1</sup>Plaintiff’s cases in this Court include: *Kornegay v. John Doe*, 05-cv-02706-SJF-ETB (filed 05/20/2005); *Kornegay v. The State of New York et al* 07-cv-01399-SJF-ETB (filed 04/02/2007); *Kornegay v. The State of New York et al*, 07-cv-02636-SJF-ETB (filed 06/27/2007).

injunction relief...” as well as ninety six trillion dollars (\$96,000,000,000) in relief. (Amended Compl. ¶ V.)

For substantially the same reasons set forth in this Court’s November 23, 2009 Order, Plaintiff’s Amended Complaint fails to comply with Rule 8 of the Federal Rules of Civil Procedure, which requires that pleadings present a “short and plain statement of the claim showing that the pleader is entitled to relief.” Swierkiewicz v. Sorema, N.A., 534 U.S. 506, 512, 122 S.Ct. 992, 152 L.Ed.2d 1 (2002). When a complaint fails to comply with the Rule 8 pleading standard, the district court may dismiss it *sua sponte*. Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir.1995).

Plaintiff’s Amended Complaint falls far short of giving fair notice of his claims as required pursuant to Rule 8(a)(2). Defendants cannot be expected to parse Plaintiff’s Amended Complaint into comprehensible legal claims, or even understand factually the nature of plaintiff’s allegations against them. See Jones v. National Communications and Surveillance, No. 06-1220-cv, 266 Fed. App’x 31, 32 (2d Cir. Feb. 21, 2008) (holding that a fifty-eight (58) page single-spaced complaint with eighty-seven (87) additional pages of attachments, alleging over twenty (20) separate causes of action against more than forty (40) defendants, violated the short and plain statement requirement of Rule 8); Bell v. Lasaceli, 08-CV-0278, 2009 WL 1032857, \*2 (W.D.N.Y., Apr 15, 2009); In re Merrill Lynch & Co. Inc., 218 F.R.D. 76, 77-78 (S.D.N.Y. 2003)(“When a complaint is not short and plain, or its averments are not concise and direct, ‘the district court has the power, on motion or *sua sponte*, to dismiss the complaint . . .”)(quoting Simmons, 49 F.3d at 86); Mazza v. Caputo, No. 05-CV-3546, 2005 WL 2045791 (E.D.N.Y. Aug. 25, 2005) (dismissing a conclusory one (1) page complaint pursuant to Rule 8).

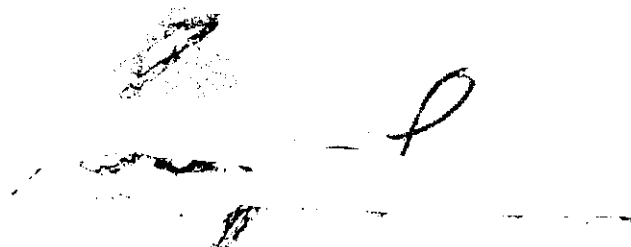
While the pleadings of a *pro se* litigant should be liberally construed in his favor, Haines v. Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972) (per curiam), a complaint must still set forth a basis for the Court to hear a claim. Because Plaintiff fails to allege facts to support clear claims against each defendant, the present Amended Complaint fails to satisfy Rule 8 and cannot be sustained in its present form. In light of this Court's duty to liberally construe *pro se* pleadings, and in an abundance of caution, Plaintiff is given an additional thirty (30) day period to file a second Amended Complaint if able to do so. Cruz v. Gomez, 202 F.3d 593 (2d Cir. 2000). For the convenience of the *pro se* Plaintiff, instructions on how to file an amended complaint are attached to this Order.

### CONCLUSION

Based on the foregoing and the Amended Complaint in this action, it is hereby ORDERED, that the Clerk of the Court mail a copy of this Order to Plaintiff along with instructions on how to file an amended complaint; and it is further ORDERED, that Plaintiff's Amended Complaint is dismissed without prejudice and with leave to amend within thirty (30) days of the date of this Order; and it is further ORDERED, that should Plaintiff file a second Amended Complaint, he must set forth the legal basis and factual allegations to support his claims against each defendant, and the relief he is seeking with respect thereto. The second amended complaint must be captioned as "Second Amended Complaint" and bear the same docket number, 09-4066, as this Order; and it is further

ORDERED, that if Plaintiff fails to submit a second Amended Complaint within thirty (30) days of the date of this Order, the case will be dismissed with prejudice, and the case will be closed.

SO ORDERED.



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Sandra J. Feuerstein  
United States District Judge

Dated: January 7, 2010  
Central Islip, New York

Copies to:  
Leon Michael T. Kornegay  
29 Irving Avenue  
Deer Park, NY 11729